

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES C. SHERROD,

Plaintiff

vs.

**BOOKER T. WASHINGTON CENTER,
Defendant**

Civil Action No. C.A. 04 – 208 ERIE

**Magistrate Judge Susan Paradise
Baxter**

JURY TRIAL DEMANDED

AFFIDAVIT OF DEBRA SMITH

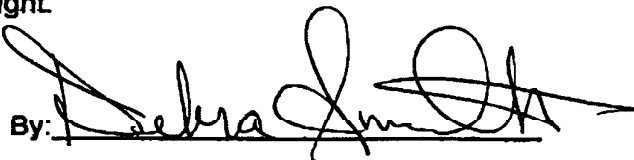
AND NOW, comes the Deponent, Debra Smith, who, having been duly sworn,
hereby deposes and states:

1. My name is Debra Smith. I am an adult individual and resident of the Commonwealth of Pennsylvania.
2. I am an African-American.
3. From some time in 1997 through December 2002, and ^{2005. Dat} ~~to the present~~, I have been a member of the Board of Directors for the Booker T. Washington Center, Inc. (the "Center").
4. I know the Plaintiff in this matter, James C. Sherrod. He was employed as Executive Director of the Center during at least a portion of the time I served on the Board.
5. In August of 2002, it was my understanding that Mr. Sherrod tendered his verbal resignation to the Board.
6. It is my understanding that he later rescinded this verbal resignation.
7. I subsequently voted to terminate Mr. Sherrod as Executive Director.
8. My decision regarding Mr. Sherrod's employment was not based on his race or color.
9. I am unaware of any member of the Board from that time who voted to terminate Mr. Sherrod because of his race or color.

10. I am aware that, prior to his own termination, Mr. Sherrod terminated three (3) African-American employees who were involved in the Brianna Hughes incident.

11. To my knowledge, Mr. Sherrod never took, or recommended that the Board take, any disciplinary action against the Controller, Brian Bessetti.

12. Further, the deponent sayeth naught.

By: 

Sworn to and signed before me
this 27 day of February, 2006.

By: 

Notary Public

